

Message Text

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ORIGIN TRSE-00

INFO OCT-01 ISO-00 EUR-12 EB-07 AGR-05 CEA-01 CIAE-00

COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04

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DRAFTED BY TREAS:HSHELLEY:MH

APPROVED BY EB/OT/STA:WCLARK,JR.

EUR/NE:SWORREL (SUBS)

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R 240317Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

INFO USMISSION EC BRUSSELS

USDEL MTN GENEVA

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS:ETRD, UK

SUBJECT: ANTIDUMPING INVESTIGATION OF ACRYLIC SHEET FROM
U.S.

REF: (A) LONDON 1988, (B) LONDON 1341, (C) STATE 23715

1. ALTHOUGH PROBLEM MAY SIMPLY BE ONE OF SEMANTICS, AS
REGARDS MEANING OF QUOTE INFORMAL SETTLEMENTS UNQUOTE,
POSITION OF DEPARTMENT OF TRADE OFFICIALS STATED IN REF (A)
APPEARS TO US TO BE INCORRECT INTERPRETATION OF ARTICLE
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6G OF INTERNATIONAL ANTIDUMPING CODE. IN OUR VIEW,

ARTICLE 6 OF THE CODE SETS FORTH THE PROVISIONS FOR COLLECTION OF EVIDENCE IN ANTIDUMPING PROCEDURES FOLLOWING INITIATION OF A FORMAL INVESTIGATION. ARTICLE 6G IS IN EFFECT A QUOTE DUE PROCESS END QUOTE SECTION WHICH GUARANTEES TO ALL INTERESTED PARTIES IN AN INVESTIGATION THE RIGHT TO MEET THE OTHER SIDE FACE TO FACE AND PRESENT ARGUMENTS. SUCH MEETINGS ARE NOT FOR THE PURPOSE OF NEGOTIATING SETTLEMENTS BETWEEN INTERESTED PARTIES BUT ARE TO INSURE A FULL PRESENTATION OF FACTS ON WHICH THE INVESTIGATING AUTHORITIES CAN MAKE A DECISION.

2. THE PERTINENT PORTION OF ARTICLE 6G WHICH FOLLOWS, CLEARLY INDICATES THE SECTION'S PURPOSE: QUOTE THROUGHOUT

THE ANTIDUMPING INVESTIGATION ALL PARTIES SHALL HAVE A FULL OPPORTUNITY FOR THE DEFENSE OF THEIR INTERESTS. TO THIS END, THE AUTHORITIES CONCERNED SHALL, ON REQUEST, PROVIDE OPPORTUNITIES FOR ALL DIRECTLY INTERESTED PARTIES TO MEET THOSE PARTIES WITH ADVERSE INTEREST, SO THAT OPPOSING VIEWS MAY BE PRESENTED AND REBUTTAL ARGUMENTS OFFERED. END QUOTE.

3. EQUALLY IMPORTANT ARE ANTITRUST IMPLICATIONS OF DOT PROPOSALS. EMBASSY WAS CORRECT WHEN AS MENTIONED IN REF (B) IT TOLD DOT OFFICIALS THAT THEIR PROPOSALS TO SETTLE CASE COULD VIOLATE U.S. ANTITRUST LAWS. AGREEMENTS BY U.S. FIRMS TO RESTRICT EXPORTS CAN EXPOSE SUCH FIRMS TO POTENTIAL LIABILITY UNDER THE SHERMAN ANTITRUST ACT. INGERSOLL

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